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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 SHANE SIPE, an individual,

13 Case No.: 2:20-cv-00299-JCM-BNW

14 Plaintiff,

15 v.

16 MUSIC TRIBE COMMERCIAL NV INC.;  
17 DOES I through X, inclusive; ROE  
18 CORPORATIONS I through X, inclusive,

19 Defendant.

20 **PLAINTIFF'S MOTION FOR  
21 EXTENSION OF TIME TO RESPOND  
22 TO PENDING MOTION FOR  
23 SUMMARY JUDGMENT**

24 **(Second Request)**

25 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and the Local Rules IA 6.1 and 6.2,  
26 Plaintiff Shane Sipe, by and through his counsel, Amanda L. Ireland, Esq. of Ireland Law Group,  
27 LLC, respectfully requests that the Court extend until January 29, 2021, the deadline for  
28 responding to Defendant's Motion for Summary Judgment. The Motion was filed on December  
17, 2020 (ECF No. 24) and Plaintiff's opposition was originally due on January 7, 2021.

1 The parties stipulated to an initial extension on December 22, 2020 (ECF No. 25), which  
2 was granted December 28, 2020, (ECF No. 26), extending the deadline eight days until January  
3 15, 2021 due to the holiday season and office closures due to COVID-19. However, on January  
4, 2021, prior counsel filed a Motion to Withdraw as Plaintiff's Attorney, which was granted by  
5 minute order on January 11, 2021. (ECF No. 29.) Contemporaneously with its order granting the  
6 withdrawal, the Court set a status check January 14, 2021 on Plaintiff's intent to retain new  
7 counsel. In the interim, Plaintiff retained undersigned counsel on January 12, 2021, and a Notice  
8 of Appearance was filed by Amanda L. Ireland later the same day (ECF No. 31).

This is Plaintiff's second request for an extension of time related to his opposition to Defendant's dispositive motion. In support of this motion, Plaintiff relies on the memorandum of points and authorities set forth below.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

Federal Rule of Civil Procedure 6(b)(1) provides that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect. It is within a trial court’s sound discretion to determine whether to grant an extension of time. Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258 (9<sup>th</sup> Cir. 2012).

Here, Plaintiff moved for an extension before expiry of the current deadline to respond to the motion for summary judgment, and “good cause” exists for an extension. To wit, shortly after he became aware of the need for a change of attorney, Plaintiff diligently sought new counsel, obtained his case file, and met with undersigned counsel as soon as practicable. While Plaintiff’s current counsel was able to review the dispositive motion on PACER before tentatively agreeing to represent Plaintiff, it was not possible to fully apprehend all the issues and disclosed evidence before accessing and analyzing the parties’ discovery. In its Motion for Summary Judgment defendant Music Tribe Commercial NV Inc. asserts a table of 41 undisputed facts and attaches 30 exhibits related to Plaintiff’s overtime and other employment claims under the Fair labor Standards Act and Nevada law. The necessary review and analysis is now in progress.

Plaintiff apologizes to the Court and Defendant for any inconvenience occasioned by his second request for an extension. Since undersigned counsel has had courteous dealings with defense counsel on similar matters pending in state court, she informally reached out to Mark H. Hutchings, Esq. to discuss the possibility of a stipulation prior to being retained. Mr. Hutchings indicated he would be happy to consider another extension if the request was made closer to the opposition deadline. The instant motion conveys such request to both defense counsel and the court prior to both the status check on the change of counsel, and the January 15, 2021 deadline.

1 Finally, good cause also exists to grant the extension given the impact of COVID-19 on  
2 court operations. The motion to withdraw stated there were no pending hearings or pretrial  
3 deadlines. In fact, the scheduling order set the joint pretrial order deadline for January 18, 2021.  
4 However, civil trial setting has already been delayed by the pandemic, and the pretrial deadlines  
5 already needed to be reset based on the first stipulation. Consequently, no unreasonable or  
6 prejudicial delay will be caused by granting this extension.

7 Under the circumstances, the requested extension is reasonable. Plaintiff has not been  
8 dilatory in changing counsel, and good cause for an extension has been shown by the foregoing  
9 facts and filings herein. Defendant Music Tribe, a multinational corporation, will not experience  
10 any prejudice by the granting of this motion. On the other hand, denial of the motion would  
11 result in extreme prejudice to Plaintiff.

12 Based on the foregoing, Plaintiff respectfully requests the Court grant him an extension  
13 until Friday January 29, 2021, to file his response to Defendant's motion for summary judgment.

14 DATED this 13<sup>th</sup> day of January 2021.

IRELAND LAW GROUP, LLC

15 */s/ Amanda L. Ireland*

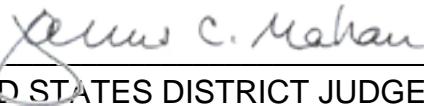
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Attorney for Plaintiff

21 **IT IS SO ORDERED:**

22 Plaintiff's request for an extension of time to respond to  
23 Defendant's Motion for Summary Judgment is hereby  
24 granted. Plaintiff may have until January 29, 2021 to  
file his response.

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UNITED STATES DISTRICT JUDGE

28 **Dated:** January 22, 2021

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 13<sup>th</sup> day of January 2021, I served **PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PENDING MOTION FOR SUMMARY JUDGMENT (Second Request)** via Electronic Filing/Service Notification through CM/ECF to:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTIES
Mark H. Hutchings, Esq. HUTCHINGS LAW GROUP, LLC 552 E. Charleston Blvd. Las Vegas, Nevada 89104 <u><a href="mailto:MHutchings@HutchingsLawGroup.com">MHutchings@HutchingsLawGroup.com</a></u>	Tel: (702) 660-7700 Fax: (702) 552-5202	Plaintiff, Counter-Claimant <i>Music Tribe</i> <i>Commercial NV Inc.</i>

/s/ *Amanda L. Ireland*

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An employee of IRELAND LAW GROUP